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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,331	07/30/2001	Antonio Canete Martinez	027559-046	4460
27045	7590	02/17/2005	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR C11 PLANO, TX 75024			NG, CHRISTINE Y	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/918,331

Applicant(s)

MARTINEZ ET AL.

Examiner

Christine Ng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16, 17, 28 and 29 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 14, 15, 18, 19, 22 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 3-13, 20, 21 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/13/02, 7/26/02, 10/23/02</u>  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 18, 19, 22 and 24-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "step a)" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 recites the limitation "step b)" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 22 recites the limitation "step c)" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "step d)" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "step e)" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "step f)" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 27 recites the limitation "step g)" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,496,694 to Menon et al.

Referring to claim 1, Menon et al discloses in Figure 3 a network signaling system, comprising a plurality (Figure 8A) of interconnected signaling points (intelligent base station IBS 351), each signaling point (IBS 351) including a protocol layer (SCCP 327) that is able to simultaneously offer connectionless (Column 14, lines 42-50) and connection-oriented (Column 11, lines 58-67) protocol services and that is adapted to handle network management procedures (Column 11, lines 58-67 and Column 14, lines 42-50), wherein the network management procedures are identified, distinguished, and applied in the network signaling system on per connectionless and per connection-oriented bases.

The connectionless services (receiving paging messages from MSC 415) are processed by the BSSMAP entity 325. The connection-oriented services (resource assignment, resource release, initial user station message, blocking/unblocking, global reset, paging, reset circuit and handover) are processed by the BSSMAP entity 325,

DTAP-MM entity 324 and DTAP-CM entity 323. Refer to Column 11, lines 40-67 and Column 14, lines 42-50. In addition, since the SCCP protocol layer 327 "provides both connection-oriented and connectionless services" (Column 11, lines 32-33), this reads on "a protocol layer that is able to simultaneously offer connectionless and connection-oriented protocol services" in the claim, since the claim does not specifically define "simultaneously".

Referring to claim 2, Menon et al disclose in Figure 3 that the protocol layer (SCCP 327) is a Signaling Connection Control Part layer. Refer to Column 10, line 23.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,496,694 to Menon et al in view of U.S. Publication No. 2002/0136233 to Chen et al.

Referring to claim 14, Menon et al do not disclose that the network management procedures include applying signaling traffic restrictions for outgoing traffic originated by a local user or relayed from another signaling node due to congestion or changes in availability status of an adjacent signaling node on per connectionless and per connection-oriented bases.

Chen et al disclose a device (Figure 1B, CP 117) that contains a protocol layer (Figure 3A) that can simultaneously handle connectionless (ACL) and connection-oriented (SCO) services. As shown in Figure 8, if there is a collision in the system (Step 240), the CP device 117 makes a decision on which traffic type (ACL or SCO) should be moderated to improve data throughput. Depending on which traffic type (ACL or SCL) is available (in range), either a lower priority traffic type or a higher priority traffic type is delayed or discarded to avoid the collision (Steps 245,247,258). Refer to Sections 0007, 0043, 0051-0054 and 0086-0091. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the network management procedures include applying signaling traffic restrictions for outgoing traffic originated by a local user due to changes in availability status of an adjacent signaling node on per connectionless and per connection-oriented bases, the motivation being so that when either the connectionless or the connection-oriented services becomes unavailable, the service will not be used for transmitting data, thereby saving resources for the other service to transmit data.

Referring to claim 15, Menon et al do not disclose that the network management procedures include applying signaling traffic restrictions for incoming traffic from adjacent signaling nodes due to congestion or changes in availability status in a signaling node on per connectionless and per connection-oriented bases. Refer to the rejection of claim 14.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include that the network management procedures

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include applying signaling traffic restrictions for incoming traffic from adjacent signaling nodes due to changes in availability status in a signaling node on per connectionless and per connection-oriented bases, the motivation being so that when either the connectionless or the connection-oriented services becomes unavailable, the service will not be used for receiving data, thereby saving resources for the other service to receive data.

***Allowable Subject Matter***

7. Claims 16, 17, 28 and 29 are allowed.
8. Claims 3-13, 20, 21 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine Ng whose telephone number is (571) 272-3124. The examiner can normally be reached on M-F; 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C. Ng *wn*  
February 10, 2005

*Ricky Ngo*  
RICKY NGO  
PRIMARY EXAMINER 2/15/05